



April 10, 2024

Via UPS

Kurt Phelps

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Bank of America, NA, Charlotte, NC (Bank)

Dear Mr. Phelps:

The Office of the Comptroller of the Currency (OCC) is a bureau of the United States Department of the Treasury that regulates national banks and federal savings associations. The OCC has become aware of your June 2, 2022 guilty plea in connection with your violations of 18 U.S.C. § 1349, Conspiracy to Commit Bank Fraud, and 18 U.S.C. § 215(a)(2), Bank Bribery.¹ Because your conviction is based on a crime which involves dishonesty, a breach of trust, or money laundering, the OCC has reason to believe you are automatically subject to the prohibitions set forth in 12 U.S.C. §§ 1829 and 1785(d) by operation of law (not as a result of any OCC action). There are expirations of and exceptions to these prohibitions, which are stated in 12 U.S.C. §§ 1829(c) and 1785(d)(4). Please refer to these statutes to determine if or when the described prohibitions will no longer apply.

For as long as you are subject to the prohibitions described in 12 U.S.C. §§ 1829 and 1785(d), you may not participate, directly or indirectly, in any manner in the conduct of the affairs of any insured depository institution, which includes banks and savings associations, or credit unions. This includes being an employee or officer of any such institution. These statutes do not prohibit you from being a customer of a bank, savings association, or credit union, e.g., having a loan or checking account at such an institution.

If during the period you are subject to the prohibitions described in 12 U.S.C. §§ 1829 and 1785(d) you desire to participate in the conduct of the affairs of any insured depository institution or credit union, you must first receive the approval of the Federal Deposit Insurance Corporation (FDIC) with respect to insured depository institutions, or the National Credit Union Administration Board (NCUA) with respect to credit unions.

¹ United States of America v. Kurt Phelps in the United States District Court, District of New Jersey, Case Number 2:22-CR-00184-KM-1

Because your offense was under 18 U.S.C. § 215, the FDIC or NCUA cannot grant such approval until ten years after the date that your conviction became final which is February 1, 2033. During these ten years, approval may only be granted if, on motion of the FDIC or NCUA, the court in which your conviction was entered finds that such approval is in the interests of justice.

Please be aware that 12 U.S.C. §§ 1829 and 1785(d) provide for fines not exceeding \$1,000,000 for each day the statutory prohibitions are violated, a term of imprisonment of not more than five years, or both. Should a knowing violation of 12 U.S.C. §§ 1829 or 1785(d) occur, both you and the institution could be subject to the penalties provided by statute.

If you believe this letter has been sent to you in error or that the prohibitions in 12 U.S.C. §§ 1829 and 1785(d) have ceased to be applicable, such as in the event there is an order of expungement, sealing, or dismissal that has been issued regarding the conviction and it is intended that the conviction shall be destroyed or sealed, please contact the OCC to request a review. Please also be advised that this letter or a reference to the existence of this letter may be published on the OCC's public website, www.occ.treas.gov.

If you have any questions regarding this letter, please contact [REDACTED], or by mail to: Office of the Comptroller of the Currency, Enforcement, 400 7th Street, SW, Mail Stop 9E-11, Washington, D.C. 20219.

Sincerely,

//s// Digitally Signed, Dated: 2024.04.10

Liz Ratliff
Director for Enforcement